

Semi-Annual Report
SOUTH AFRICA: POST ELECTION CONSOLIDATION
TRANSPARENT, ACCOUNTABLE AND PARTICIPATORY GOVERNANCE
USAID Grant Agreement No. 674-0301-A-SS-6056-00
April 1, 1998 to September 30, 1998

I. SUMMARY:

In September 1996, the National Democratic Institute for International Affairs (NDI) entered into a cooperative agreement [674-0301-A-SS-6056-00] with USAID/South Africa, to support the consolidation of democracy and the enhancement of transparent and accountable government in South Africa. This agreement is a “follow-on” agreement to the 1994-96 post-election grant, Political Parties in Parliament [674-0301G-SS-4157-00]. It allows NDI to build upon and expand the scope of its previous assistance to national and provincial parliaments, local government structures, and the Ministry of Provincial Affairs and Constitutional Development. Under the terms of the cooperative agreement, NDI reports its program results to USAID on a biannual basis to inform the Mission’s Intermediate Result 1.4.2, “Strengthened capacity of elected institutions to promote and incorporate constituency interests and public participation.”

In September 1998, NDI and USAID amended the current cooperative agreement. The amendment enables NDI to continue its support of South Africa’s democratic institutions through January 31, 2001. Under the amendment, NDI will continue to work with the National Council of Provinces, the Department of Provincial Affairs and Constitutional Development, and the South African Local Government Association. In addition, NDI will continue its collaboration with selected South African non-governmental partners.

This biannual report begins with a summary of NDI’s key results this period. The report also provides information about significant program developments and management changes. The final section of the report contains the “Attachment 8” forms the Institute uses to quantify the impact of its work under IR 1.4.2.

Under our USAID grant agreement, ethics has been an important focus. After several years of study and debate on an ethics framework, in September 1998, Parliament passed the Executive Members’ Ethics Bill. The legislation reflected substantial input from NDI. Also during this reporting period, NDI President Kenneth Wollack consulted with South African Deputy President Thabo Mbeki regarding the direction of NDI programs in the country. The Deputy President encouraged NDI’s continued work and directed the Minister of Constitutional Development, Valli Moosa, to oversee the program.

II. KEY RESULTS

National Ethics Legislation

NDI has directly contributed to building an ethical and accountable political culture in South Africa by supporting President Mandela's office in developing new ethics legislation. The new South African government has advanced ethics and anti-corruption measures beyond any other emerging democracy in the world. NDI has played a critical role in terms of technical assistance in support of these initiatives. The most recent was ethics legislation required by the constitution for national and provincial ministers.

In December 1997, at the request of Professor Nicholas Haysom, Legal Advisor to President Mandela, NDI organized a study mission to the United States, Ireland, and Great Britain, to provide information about ethics legislation and enforcement in those countries. The study mission, participants, including Advisor Haysom, the Director general of the Office of the President, Jakes Gerwel, and Assistant Legal Advisor Vuyo Kahla, took part in a series of consultations with senior officials from all three host governments. Subsequently, on May 29, 1998, Kahla and Haysom submitted the Executive Ethics bill to Cabinet, which was later introduced and passed by Parliament. In introducing the legislation, the President's Office noted its appreciation of NDI's assistance.

NDI contributed to the public policy on ethics in several other ways:

? In early June, the chair of the ANC parliamentary caucus asked NDI to produce a detailed review of the South African Parliamentary Code of Conduct, in conjunction with the caucus' annual review of the code. NDI provided an objective review based on the Institute's comparative international knowledge. *NDI was the only organization asked to provide a written review of the code; the chair indicated that NDI's review formed the foundation of the caucus' subsequent discussion on the code.* Following the positive reception of the review of the code of conduct, the caucus asked NDI to provide a detailed review of the Australian Code of Conduct to respond to comparative issues raised in caucus meetings.

? *After NDI's initial study mission on Ministerial Ethics for members of the Office of the President, participants drafted and introduced in Parliament the Executive Members' Ethics Bill covering cabinet members and members of provincial executive councils. The bill cites NDI assistance and NDI has been informed that during Cabinet consideration of the bill, members praised NDI's role in its development. Subsequently, a multi-partisan group of parliamentarians requested that NDI make a submission to the joint parliamentary committee reviewing the bill. NDI submitted a memorandum and comparative information from Great Britain, Ireland, and the United States. The Executive Members' Ethics Bill has passed both houses of Parliament and is currently awaiting the President's signature.*

National Council of Provinces

During this reporting period, NDI made an important contribution to improving the legislative capacity and organizational and political development of the NCOP through a series of activities.

NDI has assisted the NCOP's leadership in realizing the full potential of the body, as an effective component of the national legislative process. During the current period, NDI provided technical assistance to the NCOP: highlighting communications strategies among member delegations and between the NCOP and the National Assembly; the integration of local government delegates into the body; and efforts to define the role and functions of the NCOP to its own membership, to other governmental bodies, and to the general public. NDI has made a clear impact on the NCOP in several notable ways:

? On May 8-9, NDI, in cooperation with the NCOP, convened the NCOP National Conference. **Opening the conference, Deputy President Thabo Mbeki recognized NDI's role in the development of the NCOP: "... It would be a serious mistake if at this point I failed to recognize the contribution that the National Democratic Institute has made in helping the NCOP along its path of development. The NDI was one of the first institutions to offer assistance to the NCOP after its launch. It has remained a faithful and generous partner over the past eighteen months, as this conference demonstrates... Our country, and the NCOP in particular, look forward to a continued good working relationship with the NDI."** The conference marked the first time all major NCOP players had convened since its formation, including local government representatives, department director-generals, ministers, MECs, MPs, and NCOP delegates. Over three-hundred participants from government and civil society gathered to evaluate the performance of the body in its first year, and identify areas for improving the legislative capacity of the body. *The conference stimulated an important dialogue on critical policy areas for the NCOP and the entire legislative process in South Africa, particularly highlighting the body's oversight role in budget formulation and implementation.*

Following the conference, the chairperson and several permanent members credited the National Conference with clearing up questions surrounding the NCOP's role in oversight of National and Provincial Executive functions.

? In May, NDI, in collaboration with the NCOP and SALGA, organized an orientation workshop for local government NCOP delegates. The workshop marked the first official gathering of new local government delegates in Parliament. *Local government delegates can now take their seats with a baseline understanding NCOP processes.*

? During this period, NDI continued to assist the NCOP's communications improvements. A lack of technological capacity has consistently been cited as hampering cost effective communications among provincial delegations to the NCOP, between the provincial delegations and their home legislatures, and between the NCOP and the National Assembly; it has also stymied efficient legislative research. NDI has, therefore, assisted in the establishment of information technology systems for the NCOP. NDI consultant Chris Spence reviewed computer system proposals with NCOP information technology staff; together they chose Fab Technologies to provide computer services to the NCOP. NDI has also developed a plan for computer training of parliamentarians and researchers, and installed the appropriate software for NCOP computing needs.

? NDI assisted in the establishment of the NCOP computer room, dubbed the Cyber Café, located adjacent to the NCOP plenary chamber. NDI consultant Spence also designed the Members' Information Network¹. The network contains an NDI-tailored search engine, which will improve the research efficiency of the NCOP. The network and the computer facilities were officially opened to the NCOP on June 3. **Patrick Lekota, Chair of the NCOP, lauded this technological development: "The launch of our new cyber café in the National Council of Provinces is another powerful weapon in the arsenal of MPs research and information facilities. MPs will now be able to read and contribute to research and information from all over the world at the click of a mouse...Technology will play an increasingly important part in reducing the gap between the politicians and the people. The new cyber café will not only bring parliament closer to the people, but will bring the world closer to MPs."**

? In July, NDI sub-grant partner, the Legislative Training Programme (LTP) at the University of the Western Cape, held a workshop for personal assistants to NCOP committee chairs, and for administrative staff. *Workshop participants learned organizational, time-management, and report writing skills. Participants also made a number of recommendations to improve their service to the NCOP, including the need to centralize NCOP member diaries.*

? On July 14–15, the LTP conducted a workshop for legislative researchers in the NCOP. *Participants learned methodologies for legislative research.* Provincial legislative researchers will use the forthcoming report as a research reference.

Local Government Structures

NDI continues to support the development of South African local government structures: particularly the development of effective organizational and communications structures to boost the policy-making capacity of the South African Local Government Association (SALGA). NDI's assistance has had a measurable impact on the functioning of this body, and its ability to become an effective voice for local government interests in the national policy-making arena.

? Between March 14 and May 23, NDI compiled and distributed the NCOP/SALGA Contacts Directory. As a compilation of key contact information of the members and staff of both institutions, the directory facilitates communication between the NCOP and SALGA. NDI distributed the directory to councilors serving as representatives of local government in all nine provinces. **Mr. Shoots Naidoo, CEO of SALGA, stated, "The NCOP/SALGA contacts directory is an invaluable tool for building and strengthening communication links between the NCOP and SALGA."**

? In April and May, NDI provided funding and organizational support for strategic planning workshops for all nine provincial member local government associations of SALGA. *At the workshops, participants*

¹ The site address for the Members' Information Network is 196.2.60.34/min.html.

evaluated provincial business plans and drafted work plans for their respective provincial local government organizations. In addition to highlighting each organization's weaknesses, workshop participants debated SALGA's structure.

? NDI compiled and distributed NCOP briefing materials to participants at the May 4-5 orientation workshop for SALGA delegates to the NCOP. The materials outline the role and functions of the NCOP, and detail SALGA's participation in the body. The materials are meant to supplement information gained during the workshop, and to provide a lasting reference for SALGA delegates to the NCOP. **Ms Mosima Mehale, NCOP Liaison Officer to SALGA, expressed her appreciation of the materials: "This directory is excellent and the information compiled in it is invaluable to our work."**

? Between March and June, NDI sponsored a trip to South Africa for local government consultant Wallace Rogers. Rogers spent three months working directly with SALGA leaders and staff. Rogers developed a pilot project to increase citizen participation in the local government structures. In August, Rogers returned to South Africa to test this pilot program through a strategic planning workshop of the Johannesburg Eastern Metropolitan Substructure (EMSS). The workshop brought together nineteen community leaders from the Johannesburg EMSS. *The task force developed a vision statement for the EMSS, assessed the community's strengths and weaknesses, and composed a list of priority issues to be addressed. The group completed their workshop by developing a comprehensive list of projects and programs compiled as a strategic plan for their community.* The task force will select a steering committee to present the strategic plan to the Eastern Metropolitan Local Council.

? During this period, NDI offered technical assistance, in the person of Chris Spence, to assess the communication needs between SALGA's main office in Pretoria and the nine provincial local government associations. *NDI presented SALGA a plan outlining possible communications structures. SALGA will review the plan and decide which aspects it will implement. NDI will continue to support SALGA efforts to establish cost effective communication processes.*

? In July, NDI published a report detailing the Institute's local government activities between June and November 1997. The report evaluates the impact of NDI-sponsored activities on the development of local governance policy, particularly through the White Paper on Local Government. *The analysis determined that NDI activities contributed directly to the White Paper on Local Government in six areas.*

? NDI continues to assist SALGA in establishing its policy development, research, and advocacy unit. To inform the debate, NDI has been consulting NGOs about their strategies for developing policy and conducting policy research. *Consultations will culminate in an options paper submitted to SALGA in November.*

Provincial Legislatures

? From April–June, the LTP conducted a series of one-day workshops in provincial legislatures to discuss LTP program activities with committee chairs and legislative support staff. LTP staff introduced the organization’s mission statement, and detailed projects relevant to the provincial legislatures. Three LTP activities are particularly useful to the provincial legislatures: an orientation program for new members, management training for legislature staff, and training of legislative researchers. Members and staff of the provincial legislatures provided input into LTP program design.

? On July 5–6, the LTP conducted a workshop for committee clerks, administrative assistants, and committee secretaries of the North West Provincial Legislature. As part of LTP’s skills-enhancement process in the provincial legislatures, participants reviewed minute-taking and report-writing strategies.

? On April 16-17, NDI facilitated a communications/writing skills workshop in Pietermaritzburg for research and secretarial committee staff of the KwaZulu-Natal Provincial Legislature. Participants learned written and oral communications skills, including speed and accuracy of reading; note taking; report planning and writing; and oral presentation.

Intergovernmental Relations

NDI has informed the debate and policy choices available to decision-makers as they prepare a White Paper on Intergovernmental Relations (IGR). NDI facilitated comparative research on IGR, as well as a comprehensive review of one IGR structure.

? NDI sub-grant partner, the School of Government at the University of the Western Cape, has assembled a task group on intergovernmental relations. The task group includes government officials and South African academics: representatives from the Department of Constitutional Development, the Office of the Vice President, and academics from the University of the Western Cape, University of Cape Town, and Fort Hare University. With NDI’s support, the task group, which has succeeded in building a bridge between government officials and academics on this key policy area, is charged with broadening the IGR debate. Recognizing the value of the Task Group, the Office of the Deputy President asked the group to evaluate an existing intergovernmental relations body, The Forum for Economic Planning and Development (FEPD). *The Task Group submitted a report to the Deputy President’s Office reviewing the body’s effectiveness in developing policy, and examining the degree to which policy-makers sitting on the FEPD support its purpose.*

? From September 26-October 4, NDI, in collaboration with the School of Government, organized a study mission to Spain for members of the Office of the President, Members of Parliament and members of the IGR Task Group: Each of the participants will be intricately involved in drafting the white paper on intergovernmental relations. *Participants will submit their findings to the IGR Task Group; the Task Group will, in turn, report to the parliamentary Portfolio Committee on Constitutional Development. A number of key findings came out of the study mission: the recognition that IGR structures should not be over-legislated, but rather organically evolved from political realities; that*

*inter-party discussion represents the most effective means of IGR; that sectorial conferences (the equivalent of MINMECS) are ineffective IGR structures because they tend to become deliberative, rather than executive, bodies; and that IGR becomes more difficult to manage with a devolution of power. In addition to these findings, the study mission provided a forum for key government officials and academics to dialogue on a critical policy issue for South Africa. Furthermore, during the study mission, participants developed a number of avenues for cooperative work on IGR in South Africa, and have committed to specific programs to inform policy decisions on IGR. For instance, MP Dirk du Toit has agreed to provide a lecture series on IGR to students at UWC's School of Government. **Du Toit expressed his satisfaction with the study mission, explaining, "I have participated in many study missions and this was the best organized I have been on. It was definitely very valuable."***

? In an effort to further inform the white paper process on IGR, the Department of Constitutional Development, in collaboration with NDI, has been promoting research and public debate on the topic. The outcome of this initiative is the publication of a series of occasional papers, which detail international and national studies of IGR. The publications will be distributed to approximately 1,000 IGR stakeholders, including national department officials, provincial directors-general, SALGA members, the Independent Electoral Commission, the Financial Fiscal Commission, academics, and NGOs involved in policy-research. On November 5, Minister of Constitutional Development, Valli Moosa, will launch the series in Parliament.

Traditional Leaders

The Department of Constitutional Development is currently facing the challenge of incorporating several diverse customary systems of traditional leadership into the democratic framework of government. While this imperative is spelled out in the Constitution, and several requisite institutions have been established, legislation directing and empowering these institutions is still under discussion. NDI has been supporting the policy debate through comparative international research highlighting international experiences on the role and function of traditional leaders in a democratic dispensation. NDI, in collaboration with its sub-grant partner, Street Law, has provided domestic research by conducting focus groups on traditional leaders in a number of provinces.

? In September, NDI, in collaboration with sub-grant partner Street Law, trained moderators and conducted a series of seventeen focus groups on traditional leaders in rural and semi-rural communities in the Northern Province and the Free State Province. *Initially NDI and Street Law trained and selected moderators. Subsequently, moderators conducted seventeen focus groups, in which 290 people participated in a meaningful discussion of the issue.*

? In response to a request from the Department of Constitutional Development, NDI has been conducting international studies on the role of traditional leaders in democratic governance. This information is intended to supplement the Department's on-going effort to develop a white paper on traditional leaders

in South Africa. The international comparative study examines ten countries in which traditional institutions are recognized in some form. *The study will be released to the Department of Constitutional Development at the end of October.*

? During this reporting period NDI published the August edition of Amakhosi Talk. The August edition outlined the terms of reference for the National and Provincial Task Teams, established by the Department of Constitutional Development to work on the traditional leaders white paper process. *The Department of Constitutional Development asked NDI to utilize Amakhosi Talk for disseminating policy information on traditional leaders. Amakhosi Talk, therefore, has become the first publication to be used by the department in this manner, and it is the only publication serving this purpose. Amakhosi Talk is distributed to over four-hundred traditional leaders, provincial task teams, and the Department of Constitutional Development.*

Constitutional Education

? In June, NDI submitted an Index of International Education Material and examples of civic education materials from other countries to the Department of Constitutional Development. The index is a list of fifteen NGOs and government departments that conduct civic education in their respective countries. The index and accompanying educational materials will provide comparative examples for the department to develop a South African constitutional education program.

? In August, in response to a request from the Ministry for Provincial Affairs and Constitutional Development, NDI drafted two prospectuses for constitutional education funding. The first, for a total of 14 million rand, was submitted to Vodacom by Minister Mohammed Valli Moosa. The second was designed for presentation to South African parastatals, including Transnet, Eskom and Telkom. The proposals are for a wide variety of constitutional education programs, including a feature film/video, compact disc, public service announcements, and calendars/diaries.

? In conjunction with local consultant Constitutional Concepts and the Department of Constitutional Development, NDI is compiling a Ministerial Handbook for Cabinet members. The handbook will be a comprehensive review of constitutional provisions, with sections tailored to each ministry. The handbook will be completed in February 1999, and distributed to incoming cabinet members after the election.

Funding of Political Parties

? NDI has conducted research on public funding of political parties through key informant interviews, focus group research, and international comparative research. The international comparative study on the funding of political parties has been published and will be available for global distribution at the end of October

IV. PROGRAM DEVELOPMENT

In July, USAID conducted an administrative review of NDI's activities in South Africa. Creative Associates, contracted by USAID, reviewed NDI's administrative and financial systems, and assessed the institute's activities in South Africa. Creative Associates focused on four key areas: financial systems, administrative systems, adherence of program activity to the grant agreement, and NDI adherence to USAID policies. *Creative Associates found that NDI is in compliance with all USAID regulations; and that there are no significant areas in which NDI is not meeting USAID program and financial expectations.*

V. PROGRAM MANAGEMENT

In May, NDI President Kenneth Wollack held consultations with a number of key stakeholders, including Deputy President Thabo Mbeki, NCOP chairperson, Patrick Lekota, and Minister of Constitutional Development, Mohammed Valli Moosa. Consultations resulted in a clarification of NDI's role as an international NGO compared to the role of South African NGOs. Furthermore, in response to Mbeki's request for continued NDI assistance, the consultations refined NDI's program over the next two years, which will be guided by Minister of Constitutional Development, Valli Moosa.

A number of staff changes occurred during this reporting period. In August, Peter Manikas assumed the role of regional manager for the southern African region at the Institute's Washington headquarters. Prior to returning to Washington, Manikas served as Country Director in Malawi for the past year. In addition to managing the southern Africa staff in Washington, Peter will provide expertise to all of NDI's programs on governance and elections.

In July, NDI Regional Project Manager Malcolm Abrahams left NDI. In August, Jennifer Pelzman returned to Washington to take up a Program Officer position on the West Africa team at NDI. Washington Program Officer Ryan McCannell also transferred to the West Africa team in August. Information Technology expert Chris Spence joined the South Africa team in September, after two years in Namibia. He assumes the position of program officer.

In August, Washington-based Program Assistant Trina Rand was promoted to Program Officer. With McCannell's departure to the West Africa team, Rand takes over all South Africa program related duties in the Washington office. Field based regional financial manager Bob Baden left South Africa in September. Leslie Steyn takes over from Baden in the Johannesburg office as a part-time consultant.

NDI is beginning a process for new budget procedures. This will involve monitoring the budget by program components. NDI anticipates having the new procedures in place by the end of 1998.